

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:01-CR-24

Honorable David W. McKeague

SCOTT MOSER,

Defendant.

ORDER

Defendant, Scott Moser, filed a Motion for Reconsideration, asking the Court to waive interest on his restitution payments, to stop restitution payments until he is released from prison and to reduce the total amount of interest he owes. Defendant claims that \$3,000 was mistakenly held in an evidence room until March of 2003.¹ The United States agreed to apply the \$3,000 payment, received in December of 2003, as though it had been made on the date of Judgment. The interest defendant owes on the restitution order has been recalculated and the Court need not address this issue.

To the extent that defendant opposes the restitution order based on an alleged inability to pay, his claim also lacks merit. A defendant's indigence at the time of sentencing is not a bar to an order of restitution. *See United States v. Purther*, 823 F.2d 965, 970 (6th Cir. 1987); *see also United States v. Wolfe*, 10 Fed. Appx. 249, 250, 2001 WL 278694 (6th Cir. 2001) (unpublished) (holding that

¹ The Court denied defendant's motion to credit his account with the \$3,000 as moot on May 5, 2004, because the money had already been credited against his restitution payments.

a prisoner's indigence during the term of his imprisonment is not a bar to enforcing an order of restitution).

In this case, defendant has not produced any evidence or raised any grounds that would entitle him to any relief from restitution payments. Inability to pay and lack of desire to pay interest on a restitution order are insufficient grounds for waiving interest. Interest was properly imposed on defendant's restitution order at the time the judgment became final. Therefore, defendant's motion for reconsideration is **DENIED**.

Date: April 20, 2005

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT JUDGE